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## **I. STATUS OF CLAIMS AS SET FORTH IN EXAMINER'S OFFICE ACTION**

### **A. Rejected Claims**

"Claims 20-40 are rejected under 35 U. S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." *See Examiner's Office Action* p. 2 (01 December 2006). "Claims 1-2, 6, 8-13, 17-25, 29, 31-35, 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regnier et al. (US 2003/0222818) in view of Bridgelall (US 2005/0143133)." *See Examiner's Office Action* p. 3 (01 December 2006).

### **B. Allowable Subject Matter/Objected-to Claims**

"Claims 3-5, 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." *See Examiner's Office Action* p. 12 (01 December 2006). "Claims 26-28, 37-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." *See Examiner's Office Action* p. 13 (01 December 2006).

## **II. ACTIONS RESPONSIVE TO EXAMINER**

### **A. Claims Other Than Objected-To Claims and/or Claims Directly or Indirectly Depending From Objected-To Claims Have Been Cancelled**

As noted above, Examiner has objected to several claims as being dependent upon a rejected base claim, but has stated that such objected-to claims would be allowable if rewritten in independent form. In light of the foregoing, and as a courtesy to Examiner, Applicant has, in the main, herein-cancelled claims other than the objected-to claims or claims dependent upon the objected-to claims.

Specifically, Applicant has herein cancelled Independent Claim 19, Independent Claim 40, Independent Claim 41 and its Dependent Claims 42-45, and Independent Claim 46 as claims other than objected-to claims or claims dependent upon objected-to claims. Applicant has also herein cancelled Dependent Claims 2, 4, 25, and 27 since such claims' recitations have been expressly respectively incorporated into Independent Claims 1 and 20.

As discussed with Examiner previously, Applicant intends to pursue the original version of the claims in this case in a soon to be filed continuing application.<sup>1</sup>

**B. Independent Claim 1 Has Been Amended to Equate to Previously Objected-To Dependent Claim 4 Rewritten in Independent Form, and Claims 3-18 Depend Directly or Indirectly Therefrom; Notice of Allowability of Same Respectfully Requested**

**a) Independent Claim 1 Equates to Previously Objected-To Dependent Claim 4 Rewritten in Independent Form**

As noted above, Examiner has stated "Claims 3-5 ... are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In reliance upon Examiner's statements, Applicant has amended Independent Claim 1 to include the text of objected-to Dependent Claim 4 and intervening Dependent Claim 2 such that herein-amended Independent Claim 1 equates to objected-to Dependent Claim 4 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 4 would be allowable if rewritten in independent form, Applicant respectfully requests that Examiner issue a Notice of Allowability of herein-amended Independent Claim 1 for at least the reason(s) set forth herein.

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<sup>1</sup> See, e.g., Examiner's statement of 13 March 1007, wherein Examiner states: "Applicant will incorporate the objected claims into the independent claim. However, Applicant will file a continuation case with a modified language of claim 2."

**b) Dependent Claims 3-18 Patentable for at Least the Reasons of Such Claims' Respective Dependencies from Independent Claim 1 as Herein Amended to Equate to Objected-To Dependent Claim 4 Rewritten in Independent Form**

Claims 3-18 depend either directly or indirectly from Independent Claim 1. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." *See* 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claims 3-18 are patentable for at least the reason(s) why Independent Claim 1 is patentable. Accordingly, Applicant respectfully requests that Examiner hold Dependent Claims 3-18 patentable for at least the reason(s) set forth herein, and issue a Notice of Allowability of same.

**C. Independent Claim 20 Has Been Amended to Equate to Previously Objected-To Dependent Claim 27 Rewritten in Independent Form, and Claims 21-39 Depend Directly or Indirectly Therefrom; Notice of Allowability of Same Respectfully Requested**

Regarding previously rejected Claim 20, Examiner has stated "Regarding claims 20 and 40, the claims recite second mote antenna, but the first mote antenna is not recited. Therefore, the claims are indefinite. Dependent claims 21-39 are rejected for the same reason as set forth above." *See Examiner's Office Action* p. 2 (01 December 2006).

Regarding previously objected-to Claim 27, Examiner has stated "Claims 26-28, 37-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." *See Examiner's Office Action* p. 13 (01 December 2006).

**a) Independent Claim 20 Equates to Previously Objected-To Dependent Claim 27 Rewritten in Independent Form**

As noted above, Examiner has stated "Claims 26-28, 37-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." In reliance upon Examiner's statements, Applicant has herein amended Independent Claim 20 to include the text of objected-to Dependent Claim 27 and intervening Dependent

Claim 25 such that herein-amended Independent Claim 20 equates to objected-to Dependent Claim 27 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 27 would be allowable if rewritten in independent form, Applicant respectfully requests that Examiner issue a Notice of Allowability of herein-amended Independent Claim 20 for at least the reason(s) set forth herein.

**b) Dependent Claims 21-39 Patentable for at Least the Reasons of Such Claims' Respective Dependencies from Independent Claim 20 as Herein Amended to Equate to Objected-To Dependent Claim 27 Rewritten in Independent Form**

Claims 21-39 depend either directly or indirectly from Independent Claim 20. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." See 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claims 21-39 are patentable for at least the reason(s) why Independent Claim 20 is patentable. Accordingly, Applicant respectfully requests that Examiner hold Dependent Claims 21-39 patentable for at least the reason(s) set forth herein, and issue a Notice of Allowability of same.

**D. New Independent Claim 47 Has Been Constructed to Equate to Previously Objected-To Dependent Claim 3 Rewritten in Independent Form; Notice of Allowability of Same Respectfully Requested**

As noted above, Examiner has stated "Claims 3-5 ... are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In reliance upon Examiner's statements, Applicant has constructed New Independent Claim 47 to include the text of objected-to Dependent Claim 3 and intervening Dependent Claim 2 such that herein-added Independent Claim 47 equates to objected-to Dependent Claim 3 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 3 would be allowable if rewritten in independent form, Applicant

respectfully requests that Examiner issue a Notice of Allowability of herein-added Independent Claim 47 for at least the reason(s) set forth herein.

**E. New Independent Claim 48 Has Been Constructed to Equate to Previously Objected-To Dependent Claim 5 Rewritten in Independent Form; Notice of Allowability of Same Respectfully Requested**

As noted above, Examiner has stated “Claims 3-5 ... are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” In reliance upon Examiner’s statements, Applicant has constructed New Independent Claim 48 to include the text of objected-to Dependent Claim 5 and intervening Dependent Claim 2 such that herein-added Independent Claim 48 equates to objected-to Dependent Claim 5 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 5 would be allowable if rewritten in independent form, Applicant respectfully requests that Examiner issue a Notice of Allowability of herein-added Independent Claim 48 for at least the reason(s) set forth herein.

**F. New Independent Claim 49 Has Been Constructed to Equate to Previously Objected-To Dependent Claim 15 Rewritten in Independent Form; Notice of Allowability of Same Respectfully Requested**

**1. Independent Claim 49**

As noted above, Examiner has stated “Claims ... 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” In reliance upon Examiner’s statements, Applicant has constructed New Independent Claim 49 to include the text of objected-to Dependent Claim 15 and intervening Dependent Claim 14 such that herein-added Independent Claim 49 equates to objected-to Dependent Claim 15 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 15 would be allowable if rewritten in independent form, Applicant

respectfully requests that Examiner issue a Notice of Allowability of herein-added Independent Claim 49 for at least the reason(s) set forth herein.

**2. Dependent Claim 50 Patentable for at Least the Reasons of Such Claim's Dependency from Independent Claim 49 as Herein Constructed to Equate to Objected-To Dependent Claim 15 Rewritten in Independent Form**

Claim 50 depends either directly or indirectly from Independent Claim 49. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." *See* 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claim 50 is patentable for at least the reason(s) why Independent Claim 49 is patentable. Accordingly, Applicant respectfully requests that Examiner hold Dependent Claim 50 patentable for at least the reason(s) set forth herein, and issue a Notice of Allowability of same.

**G. New Independent Claim 51 Has Been Constructed to Equate to Previously Objected-To Dependent Claim 26 Rewritten in Independent Form; Notice of Allowability of Same Respectfully Requested**

As noted above, Examiner has stated "Claims 26-28 ... would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." In reliance upon Examiner's statements, Applicant has constructed New Independent Claim 51 to include the text of objected-to Dependent Claim 26 and intervening Dependent Claim 25 such that herein-added Independent Claim 51 equates to objected-to Dependent Claim 26 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 26 would be allowable if rewritten in independent form, Applicant respectfully requests that Examiner issue a Notice of Allowability of herein-added Independent Claim 51 for at least the reason(s) set forth herein.



**H. New Independent Claim 52 Has Been Constructed to Equate to Previously Objected-To Dependent Claim 28 Rewritten in Independent Form; Notice of Allowability of Same Respectfully Requested**

As noted above, Examiner has stated "Claims 26-28 ... would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." In reliance upon Examiner's statements, Applicant has constructed New Independent Claim 52 to include the text of objected-to Dependent Claim 28 and intervening Dependent Claim 25 such that herein-added Independent Claim 52 equates to objected-to Dependent Claim 28 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 28 would be allowable if rewritten in independent form, Applicant respectfully requests that Examiner issue a Notice of Allowability of herein-added Independent Claim 52 for at least the reason(s) set forth herein.

**I. New Independent Claim 53 Has Been Constructed to Equate to Previously Objected-To Dependent Claim 37 Rewritten in Independent Form and Claim 54 Depends Therefrom; Notice of Allowability of Same Respectfully Requested**

**1. Independent Claim 53 Equates to Previously Objected-To Dependent Claim 37 Rewritten in Independent Form**

As noted above, Examiner has stated "Claims ... 37-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." In reliance upon Examiner's statements, Applicant has constructed New Independent Claim 53 to include the text of objected-to Dependent Claim 37 and intervening Dependent Claim 36 such that herein-added Independent Claim 53 equates to objected-to Dependent Claim 37 rewritten in independent form. Accordingly, in light of the fact that Examiner has indicated that objected-to Claim 37 would be allowable if rewritten in independent form, Applicant respectfully requests that Examiner issue a Notice of Allowability of herein-added Independent Claim 53 for at least the reason(s) set forth herein.

**2. Dependent Claim 54 Patentable for at Least the Reason of Such Claim's Dependency from Independent Claim 53 as Herein Constructed to Equate to Objected-To Dependent Claim 37 Rewritten in Independent Form**

Claim 54 depends from Independent Claim 53. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." *See* 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claim 54 is patentable for at least the reason(s) why Independent Claim 53 is patentable. Accordingly, Applicant respectfully requests that Examiner hold Dependent Claim 54 patentable for at least the reason(s) set forth herein, and issue a Notice of Allowability of same.

**III. NOTICE TO EXAMINER REGARDING CONTINUATION CASE WITH MEANS FOR SYSTEM CLAIM VERSIONS OF CLAIMS INDICATED ALLOWABLE**

Applicant reminds Examiner that, as per their previous conversations, Applicant is filing substantially contemporaneously with this response a continuing application having the "means for" system claims versions of the indicated allowable method claims set forth herein.

#### IV. CONCLUSION

Applicant has herein cancelled and/or amended claims. Applicant does not consider the previously uncanceled and/or unamended claims unpatentable under post-issuance claim interpretation rules, but has cancelled and/or amended herein at least in part because the PTO is not bound by post-issuance claim interpretation rules and/or in an effort to advance the prosecution of the instant application. Accordingly, Applicant respectfully submits that all cancellations and/or amendments herein should be held to be tangential to and/or unrelated to patentability in the event such cancellations and/or amendments are viewed in a post-issuance context under post-issuance claim interpretation rules.

Insofar as that the Applicant may have herein cancelled/amended claims sufficient to obtain a Notice of Allowability of all claims pending, Applicant may not have herein explicitly addressed all rejections and/or statements in Examiner's Office Action. The fact that rejections and/or statements may not be herein explicitly addressed should NOT be taken as an admission of any sort, and Applicant hereby reserves any and all rights to contest such rejections and/or statements at a later time. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended (e.g., with respect to any facts of which Examiner took Official Notice, and/or for which Examiner has supplied no objective showing, Applicant hereby contests those facts and requests express documentary proof of such facts at such time at which such facts may become relevant). For example, although not expressly set forth herein, Applicant continues to assert all points of any previous Office Action, and no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended. Specifically, insofar as that Applicant does not consider the unamended claims to be unpatentable, Applicant hereby gives notice that it intends to file a continuing application in order prosecute such unamended claims.

With respect to any cancelled claims, such cancelled claims were and continue to be a part of the original and/or present patent application(s). Applicant hereby reserves all rights to present any cancelled claim or claims for examination at a later time in this or another application. Applicant hereby gives public notice that any cancelled claims are still to be considered as present in all related patent application(s) (e.g. the original and/or present patent

application) for all appropriate purposes (e.g., written description and/or enablement).  
Applicant does NOT intend to dedicate the subject matter of any cancelled claims to the public.

The Examiner is encouraged to contact the undersigned by telephone at (425) 467-2260 to discuss the above, if desired. Also, if the Examiner notes any informalities in the claims, Examiner is encouraged to contact the undersigned to expediently correct such informalities.

Respectfully submitted,



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Attorney  
Registration No. 42,434

DRC:jmb

Enclosures:

Postcard  
Check  
Petition for Extension of Time (+ 2 copies)  
Post-Filing Transmittal

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